

# MADERA COUNTY OFFICE OF EDUCATION

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June 26, 2017

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554  
ELECTRONICALLY FILED VIA ECFS

**Re CC Docket No. 02-6**  
**In the matter of Request for Review by Madera County Office of Education**  
**of a Decision of the Universal Service Administrator**

**Funding App #429930 FRN 1193265 cited on FCC Form 486 #1200789**  
**Funding App #486589 FRN 1350147 cited on FCC Form 486 #1200807**  
**Funding App #757651 FRN 2047356 cited on FCC Form 486 #1200808**  
**Funding App #757651 FRN 2047332 cited on FCC Form 486 #1200808**  
**Funding App #757651 FRN 2047311 cited on FCC Form 486 #1200808**  
**Funding App #991281 FRN 2705379 cited on FCC Form 486 #1200790**  
**Funding App #990971 FRN 2704542 cited on FCC Form 486 #1200790**  
**Funding App #1050453 FRN 2869407 cited on FCC Form 486 #1200791**

Dear Secretary Dortch,

With this letter Madera County Office of Education ("MCOE") appeals<sup>1</sup> decisions by the Universal Service Fund Administrator ("USAC")<sup>2</sup> under the Schools and Libraries Universal Service Support Mechanism (commonly known as "E-Rate") to deny our request on appeal to USAC<sup>3</sup> to set the funding Service Start Date to the first day of the funding year for the captioned Funding Requests.

## **Background**

MCOE is dedicated to serving the educational needs of the citizens of Madera County, California.

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<sup>1</sup> Any party aggrieved by an action taken by the Administrator, after seeking review from the Administrator, may then seek review from the Federal Communications Commission; see 47 CFR § 54.719(b).

<sup>2</sup> See USAC appeal decisions attached as Exhibit B.

<sup>3</sup> See our 1/27/2017 appeal letter to USAC attached as Exhibit A.

During an internal review we recently determined that staff had inadvertently failed to file certain required FCC Forms 486; when we recognized the error, we promptly completed and submitted the missing forms.

Although MCOE management does exercise its best efforts to ensure compliance with all E-Rate rules and deadlines, realistically it is beyond the control of MCOE to totally eliminate the possibility of the isolated clerical or administrative error.

### **Analysis**

Due to factors not reasonably within its control, MCOE was unable to fully comply with the requirement to file Form 486 by the normal 120 day limit after the latter of the service start date and the Funding Commitment Decision Letter. To the best of our knowledge we are otherwise in full compliance with applicable FCC rules and USAC procedures.

In *Alaska Gateway*<sup>4</sup> the Bureau found that where special circumstances are present and an FCC Form 486 was not filed on a timely basis, good cause exists to grant a waiver of the filing deadline and direct USAC to process the applicant's FCC Form 472 reimbursement application without a postponement of the funding start date. The Bureau noted that in these cases the applicants missed a procedural deadline and did not violate a substantive rule. The Bureau has consistently applied the *Alaska Gateway* standard in subsequent orders granting waivers of the Form 486 filing deadline, including *State of Arkansas Department of Information Systems*<sup>5</sup>, *Alcona County Library*<sup>6</sup>, *Children of Peace School*<sup>7</sup>, *Academy St. Benedict – Stewart*<sup>8</sup>, *Bancroft Neurohealth*<sup>9</sup>, *Archdiocese of Chicago School*<sup>10</sup>, *Beebe Public Schools*<sup>11</sup>, and *Albertville City Schools*<sup>12</sup>.

The cited orders are consistent with *Bishop Perry*<sup>13</sup>, where the Commission found that under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does not promote the goals of section 254 of the Telecommunications Act of 1996 – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest.

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<sup>4</sup> *Alaska Gateway School District et al*, 21 FCC Rcd 10182 (2006)

<sup>5</sup> *State of Arkansas Department of Information Systems et al*, 23 FCC Rcd 9373 (2008)

<sup>6</sup> *Alcona County Library et al*, 23 FCC Rcd 15500 (2008)

<sup>7</sup> *Children of Peace School et al*, 25 FCC Rcd 5492 (2010)

<sup>8</sup> *Academy St. Benedict – Stewart et al*, 25 FCC Rcd 17309 (2010)

<sup>9</sup> *Bancroft Neurohealth et al*, 26 FCC Rcd 10948 (2011)

<sup>10</sup> *Archdiocese of Chicago School*, 27 FCC Rcd 200 (2012)

<sup>11</sup> *Beebe Public Schools*, 27 FCC Rcd 3930 (2012)

<sup>12</sup> *Albertville City Schools*, 27 FCC Rcd 6094 (2012)

<sup>13</sup> *Bishop Perry Middle School et al*, 21 FCC Rcd 5316 (2006)

The Bureau further noted in *Alaska Gateway* and in *Alcona County Library* that denying the petitioners' requests would create undue hardship and prevent these otherwise eligible schools and libraries from receiving funding that they need to bring advanced telecommunications and information services to their students and patrons. That would certainly be the case if MCOE were to be denied the opportunity to request reimbursement for its eligible expenses for the entirety of the funding year. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

The Bureau recently gave notice in *Archdiocese of New Orleans*<sup>14</sup> that a less-flexible standard will apply to appeals of USAC's denial of requests to late-file FCC Forms 486 when initial appeals are filed on or after January 30, 2017, and in the same order the Bureau stated that the *Alaska Gateway* standard would apply to appeals filed prior to that date. We filed our initial appeal with USAC on January 27, 2017; therefore, the *Alaska Gateway* standard applies to our request for review of USAC's denial of our initial appeal. USAC erred in failing to grant relief consistent with *Alaska Gateway* and Bureau guidance in *Archdiocese of New Orleans*.

### **Request for Relief**

For the reasons stated in this letter, MCOE respectfully requests that the Bureau direct USAC to set the Service Start Date to the first day of the funding year for each cited funding request. We also ask that the Bureau, consistent with precedent, direct USAC to waive any of its subsequent deadlines related to the late-filed FCC Form 486<sup>15</sup>, including the deadline for invoicing USAC for reimbursement<sup>16</sup>.

Finally, on behalf of our current students, MCOE respectfully requests that the Bureau expedite consideration of this petition. Timely action by the Bureau would support the goals of the E-Rate program, especially with respect to our current students whose educational success would be compromised by a delay in our receipt of our committed E-Rate reimbursement funds.

MADERA COUNTY OFFICE OF EDUCATION

Dennis Lingo  
Director, Information Systems & Technology Services

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<sup>14</sup> See *Archdiocese of New Orleans et al*, 31 FCC Rcd 11747 (2016)

<sup>15</sup> E.g., see *Children of Peace School et al*, footnote 24

<sup>16</sup> For example, the Bureau might clarify that when USAC notifies us that the Service Start Date has been set to the first day of the funding year, such notification will be deemed to have the effect of an FCC Form 486 Notification Letter (regardless of whether the letter is explicitly identified as such) with respect to the invoice deadline provisions at 47 CFR § 54.514(a)(2).

EXHIBIT A

TO JUNE 26, 2017 REQUEST FOR REVIEW  
BY MADERA COUNTY OFFICE OF EDUCATION  
OF A DECISION OF THE  
UNIVERSAL SERVICE ADMINISTRATOR

JANUARY 27, 2017 APPEAL LETTER  
FROM MADERA COUNTY OFFICE OF EDUCATION  
TO UNIVERSAL SERVICE ADMINISTRATIVE COMPANY



# E-Rate Support Services

*"Your source for E-Rate support"*

P.O. Box 40204 • Spokane, WA 99220  
ph. 206-856-7349 • email [david@eratesupportservices.com](mailto:david@eratesupportservices.com)

January 27, 2017

Schools and Libraries Program Correspondence Unit  
Attn: Letter of Appeal  
Parsippany, NJ  
VIA EMAIL [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org)

Re: Madera County Office Of Education (BEN 144043)  
Service Start Date adjustment for FCC Forms 486 Nos. 1200789, 1200790,  
1200791, 1200807, and 1200808

In recent days applicant Madera County Office Of Education ("Applicant") electronically submitted the captioned FCC Forms 486, and today Applicant mailed signed certification pages for each FCC Form 486. In an abundance of caution, the certification forms were sent in duplicate, with one set sent via USPS Priority express (Tracking Number EL 555369377 US), and the second set sent via FedEx (Tracking Number 785435963827).

These Form 486s are submitted after the E-Rate procedural deadline<sup>1</sup> due to factors which included staff changes, staff shortages due to limited budgets, and confusion about filing requirements.

In the *Archdiocese of New Orleans Order*<sup>2</sup> the Federal Communications Commission ("Commission") addressed the issue of late-filed FCC Forms 486. The Commission noted that in the earlier *Alaska Gateway Order*<sup>3</sup> and its progeny, it has been Commission policy to liberally grant appeals of service start date adjustments coming from late-filed FCC Forms 486, where such late filings come from such factors as staff confusion, mistakes, or a variety of other factors.

In the *Archdiocese of New Orleans Order* the Commission stated that a change in policy for late-filed FCC Form 486 appeals would be effective with appeals filed on or after

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<sup>1</sup> FCC Form 486 must be received or postmarked no later than 120 days after the Service Start Date shown on the FCC Form 486 or 120 days after the date of the FCDL, whichever is later (<http://usac.org/sl/applicants/step05/form-486.aspx>, retrieved 1/27/2017).

<sup>2</sup> See *Archdiocese of New Orleans Order* (31 FCC Rcd 11747, released 10/20/2016).


<sup>3</sup> See *Alaska Gateway Order* (21 FCC Rcd 10182, released 9/14/2006).

Schools and Libraries Program Correspondence Unit  
Attn: Letter of Appeal  
January 27, 2017  
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January 30, 2017. However, the order further stated that “[i]n the interest of fairness, we will continue to apply the current Alaska Gateway Order-based standard to appeals filed with USAC or the Commission before January 30, 2017”.

Applicant prays that in conformance with the Commission’s guidance in the *Archdiocese of New Orleans Order*, the service start date for each Funding Request listed in the FCC Forms 486 is not adjusted due to the late filing, but rather that the service start date is set to be the first day of the applicable funding year.

Please feel free to contact me regarding this matter; my contact information appears on the first page of this letter.

Respectfully,  
  
David A. Behar

## EXHIBIT B

TO JUNE 26, 2017 REQUEST FOR REVIEW  
BY MADERA COUNTY OFFICE OF EDUCATION  
OF A DECISION OF THE  
UNIVERSAL SERVICE ADMINISTRATOR

## INDEX

1. USAC 5/4/2017 letter re Funding App #486589
2. USAC 5/9/2017 letter re Funding App #757651
3. USAC 5/9/2017 letter re Funding App #990971
4. USAC 5/9/2017 letter re Funding App #991281
5. USAC 4/27/2017 letter re Funding App #1050453

Note: we did not receive an explicit appeal decision from USAC regarding Funding Application #429930, which was listed on FCC Form 486 1200789 (one of the FCC Forms 486 cited on our 1/27/2017 appeal letter to USAC).

We believe that the missing decision regarding this one Funding Application comes as a result of a clerical or administrative error by USAC staff, and we ask that the Bureau include Funding Application #429930 within the scope of any relief granted.



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2005-2006**

May 04, 2017

David A. Behar  
E-Rate Support Services  
PO Box 40204  
Spokane, WA 99220

Re: Applicant Name: MADERA COUNTY OFFICE OF EDUC  
Billed Entity Number: 144043  
Form 471 Application Number: 486589  
Form 486 Application Number: 1200807  
Funding Request Number(s): 1350147  
Your Correspondence Dated: February 07, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1350147  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 486 was not filed within 120 days calculated from 3/1/2006, the date of the Funding Commitment Decision Letter (FCDL). On 1/26/2007, USAC sent an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on 1/27/2017, which is after the new deadline date. Consequently, the Service Start Date (SSD) was revised to 9/29/2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly.

Extensions of the FCC Form 486 filing deadline may only be granted on appeal if the FCC Form 486 was filed on or before 120 days after the last day to receive services for the FRN and good cause has been demonstrated justifying the late submission of the FCC



Form 486. USAC has determined that your FCC Form 486 was not filed on or before 120 days after the last date to receive service of 6/30/2006 and you failed to demonstrate good cause justifying the late submission of your FCC Form 486 for FRN 1350147. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the last date to receive service for the FRN. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 15 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, DA 06-1871, para. 8 (rel. Sep. 14, 2006). If an applicant misses the new deadline, appeals of USAC's decision denying or reducing funding for late filed FCC Forms 486 may only be granted if the FCC Form 486 was filed no later than 120 days after the last date to receive the service requested in the FRN and the applicant has demonstrated good cause justifying the late submission. See Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., CC Docket No. 02-6, DA 16-1205, para. 1 (rel. Oct. 20, 2016).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

May 09, 2017

David A. Behar  
E-Rate Support Services  
PO Box 40204  
Spokane, WA 99220

Re: Applicant Name: MADERA COUNTY OFFICE OF EDUC  
Billed Entity Number: 144043  
Form 471 Application Number: 757651  
Form 486 Application Number: 1200808  
Funding Request Number(s): 2047311, 2047332, 2047356  
Your Correspondence Dated: February 07, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2010 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2047311, 2047332, 2047356  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 486 was not filed within 120 days calculated from 3/8/2011, the date of the Funding Commitment Decision Letter (FCDL). On 7/12/2011, USAC sent an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on 1/27/2017, which is after the new deadline date. Consequently, the Service Start Date (SSD) was revised to 9/29/2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly.

Extensions of the FCC Form 486 filing deadline may only be granted on appeal if the FCC Form 486 was filed on or before 120 days after the last day to receive services for the FRN and good cause has been demonstrated justifying the late



submission of the FCC Form 486. USAC has determined that your FCC Form 486 was not filed on or before 120 days after the last date to receive service of 6/30/2011 and you failed to demonstrate good cause justifying the late submission of your FCC Form 486 for of FRNs 2047311, 2047332, and 2047356. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the last date to receive service for the FRN. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 15 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, DA 06-1871, para. 8 (rel. Sep. 14, 2006). If an applicant misses the new deadline, appeals of USAC's decision denying or reducing funding for late filed FCC Forms 486 may only be granted if the FCC Form 486 was filed no later than 120 days after the last date to receive the service requested in the FRN and the applicant has demonstrated good cause justifying the late submission. See Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., CC Docket No. 02-6, DA 16-1205, para. 1 (rel. Oct. 20, 2016).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2014-2015**

May 09, 2017

David A. Behar  
E-Rate Support Services  
PO Box 40204  
Spokane, WA 99220

Re: Applicant Name: MADERA COUNTY OFFICE OF EDUC  
Billed Entity Number: 144043  
Form 471 Application Number: 990971  
Form 486 Application Number: 1200790  
Funding Request Number(s): 2704542  
Your Correspondence Dated: February 07, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2704542  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 486 was not filed within 120 days calculated from 9/17/2014, the date of the Funding Commitment Decision Letter (FCDL). On 1/26/2015, USAC sent an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on 1/27/2017, which is after the new deadline date. Consequently, the Service Start Date (SSD) was revised to 9/29/2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly.

Extensions of the FCC Form 486 filing deadline may only be granted on appeal if the FCC Form 486 was filed on or before 120 days after the last day to receive services for the FRN and good cause has been demonstrated justifying the late



submission of the FCC Form 486. USAC has determined that your FCC Form 486 was not filed on or before 120 days after the last date to receive service of 6/30/2015 and you failed to demonstrate good cause justifying the late submission of your FCC Form 486 for of FRN 2704542. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the last date to receive service for the FRN. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 15 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, DA 06-1871, para. 8 (rel. Sep. 14, 2006). If an applicant misses the new deadline, appeals of USAC's decision denying or reducing funding for late filed FCC Forms 486 may only be granted if the FCC Form 486 was filed no later than 120 days after the last date to receive the service requested in the FRN and the applicant has demonstrated good cause justifying the late submission. See Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., CC Docket No. 02-6, DA 16-1205, para. 1 (rel. Oct. 20, 2016).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2014-2015**

May 09, 2017

David A. Behar  
E-Rate Support Services  
PO Box 40204  
Spokane, WA 99220

Re: Applicant Name: MADERA COUNTY OFFICE OF EDUC  
Billed Entity Number: 144043  
Form 471 Application Number: 991281  
Form 486 Application Number: 1200790  
Funding Request Number(s): 2705379  
Your Correspondence Dated: February 07, 2017

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 FCC Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2705379  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 486 was not filed within 120 days calculated from 9/17/2014, the date of the Funding Commitment Decision Letter (FCDL). On 1/26/2015, USAC sent an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on 1/27/2017, which is after the new deadline date. Consequently, the Service Start Date (SSD) was revised to 9/29/2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly.

Extensions of the FCC Form 486 filing deadline may only be granted on appeal if the FCC Form 486 was filed on or before 120 days after the last day to receive services for the FRN and good cause has been demonstrated justifying the late



submission of the FCC Form 486. USAC has determined that your FCC Form 486 was not filed on or before 120 days after the last date to receive service of 6/30/2015 and you failed to demonstrate good cause justifying the late submission of your FCC Form 486 for of FRN 2705379. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the last date to receive service for the FRN. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 15 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, DA 06-1871, para. 8 (rel. Sep. 14, 2006). If an applicant misses the new deadline, appeals of USAC's decision denying or reducing funding for late filed FCC Forms 486 may only be granted if the FCC Form 486 was filed no later than 120 days after the last date to receive the service requested in the FRN and the applicant has demonstrated good cause justifying the late submission. See Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., CC Docket No. 02-6, DA 16-1205, para. 1 (rel. Oct. 20, 2016).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

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### Administrator's Decision on Appeal – Funding Year 2015-2016

April 27, 2017

David A. Behar  
E-Rate Support Services  
PO Box 40204  
Spokane, WA 99220

Re: Applicant Name: MADERA COUNTY OFFICE OF EDUCATION  
Billed Entity Number: 144043  
Form 471 Application Number: 1050453  
Form 486 Application Number: 1200791  
Funding Request Number(s): 2869407  
Your Correspondence Dated: January 27, 2017

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 486 Notification Letter for the FCC Form 471 Application Number referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2869407  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 486 was not filed within 120 days calculated from 9/25/2015, the date of Funding Commitment Decision Letter. On 2/1/2016, USAC sent an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486. Your FCC Form 486 was postmarked and certified on 1/27/2017, which is after the new deadline date. Consequently, the Service Start Date was revised to 9/29/2016, 120 days before the FCC Form 486 postmark date. If the funding commitment includes recurring charges then the funding commitment was reduced accordingly.

Extensions of the FCC Form 486 filing deadline may only be granted on appeal if the FCC Form 486 was filed on or before 120 days after the last day to receive



services for the FRN and good cause has been demonstrated justifying the late submission of the FCC Form 486. USAC has determined that your FCC Form 486 was not filed on or before 120 days after the last date to receive service of 6/30/2016 and you failed to demonstrate good cause justifying the late submission of your FCC Form 486 for FRN 2869407. As a result, your appeal is denied.

FCC rules require applicants to use recurring services within the relevant funding year and to implement non-recurring services by the applicable deadline established by the Commission. See 47 C.F.R. sec. 54.507(d). The FCC Form 486 informs USAC when the applicant is scheduled to receive or has received services in the relevant funding year from the named service provider. The receipt of a properly completed FCC Form 486 triggers the process for USAC to receive invoices. In order for an applicant to receive discounts retroactively to the SSD, the FCC Form 486 should be postmarked no later than 120 days after the last date to receive service for the FRN. When an applicant has missed a deadline to file its FCC Form 486, it is given an additional 15 calendar days from the date of receipt of USAC's written notice to file or amend its FCC Form 486 and receive services retroactively to the SSD. See Requests for Review and Waiver of the Decision of the Universal Service Administrator by Alaska Gateway School District, Tok, Alaska, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, DA 06-1871, para. 8 (rel. Sep. 14, 2006). If an applicant misses the new deadline, appeals of USAC's decision denying or reducing funding for late filed FCC Forms 486 may only be granted if the FCC Form 486 was filed no later than 120 days after the last date to receive the service requested in the FRN and the applicant has demonstrated good cause justifying the late submission. See Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans, Louisiana et al., CC Docket No. 02-6, DA 16-1205, para. 1 (rel. Oct. 20, 2016).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:  
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Jeffrey Bottorff